

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1404

[Report No. 115-]

To provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2017

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Natural Resources

JULY --, 2017

Committed to the Committee of the Whole House on the State of the Union,  
and ordered to be printed

# **A BILL**

To provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pascua Yaqui Tribe  
5       Land Conveyance Act”.

6       **SEC. 2. DEFINITIONS.**

7       For the purposes of this Act, the following definitions  
8       apply:

9               (1) DISTRICT.—The term “District” means the  
10       Tucson Unified School District No. 1, a school dis-  
11       trict recognized as such under the laws of the State  
12       of Arizona.

13              (2) MAP.—The term “Map” means the map ti-  
14       tled “‘Pascua Yaqui Tribe Land Conveyance Act”,  
15       dated March 14, 2016, and on file and available for  
16       public inspection in the local office of the Bureau of  
17       Land Management.

18              (3) RECREATION AND PUBLIC PURPOSES  
19       ACT.—The term “Recreation and Public Purposes  
20       Act” means the Act of June 14, 1926 (43 U.S.C.  
21       869 et seq.).

22              (4) SECRETARY.—The term “Secretary” means  
23       the Secretary of the Interior.

1           (5) **TRIBE.**—The term “Tribe” means the  
2       Pascua Yaqui Tribe of Arizona, a federally recog-  
3       nized Indian tribe.

4       **SEC. 3. LAND TO BE HELD IN TRUST.**

5       (a) **PARCEL A.**—Subject to subsection (b) and to  
6       valid existing rights, all right, title, and interest of the  
7       United States in and to the approximately 39.65 acres of  
8       Federal lands generally depicted on the map as “Parcel  
9       A” are declared to be held in trust by the United States  
10      for the benefit of the Tribe.

11      (b) **EFFECTIVE DATE.**—Subsection (a) shall take ef-  
12      fect on the day after the date on which the District relin-  
13      quishes all right, title, and interest of the District in and  
14      to the approximately 39.65 acres of land described in sub-  
15      section (a).

16      **SEC. 4. LANDS TO BE CONVEYED TO THE DISTRICT.**

17      (a) **PARCEL B.**—

18          (1) **IN GENERAL.**—Subject to valid existing  
19      rights and payment to the United States of the fair  
20      market value, the United States shall convey to the  
21      District all right, title, and interest of the United  
22      States in and to the approximately 13.24 acres of  
23      Federal lands generally depicted on the map as  
24      “Parcel B”.

1           (2) DETERMINATION OF FAIR MARKET  
2     VALUE.—The fair market value of the property to be  
3     conveyed under paragraph (1) shall be determined  
4     by the Secretary in accordance with the Uniform  
5     Appraisal Standards for Federal Land Acquisitions  
6     and the Uniform Standards of Professional Ap-  
7     praisal Practice.

8           (3) COSTS OF CONVEYANCE.—As a condition of  
9     the conveyance under this subsection, all costs asso-  
10    ciated with the conveyance shall be paid by the Dis-  
11    trict.

12   (b) PARCEL C.—

13           (1) IN GENERAL.—If, not later than 1 year  
14    after the completion of the appraisal required by  
15    paragraph (3), the District submits to the Secretary  
16    an offer to acquire the Federal reversionary interest  
17    in all of the approximately 27.5 acres of land con-  
18    veyed to the District under Recreation and Public  
19    Purposes Act and generally depicted on the map as  
20    “Parcel C”, the Secretary shall convey to the Dis-  
21    trict such reversionary interest in the lands covered  
22    by the offer. The Secretary shall complete the con-  
23    veyance not later than 30 days after the date of the  
24    offer.

1           (2) SURVEY.—Not later than 90 days after the  
2       date of the enactment of this Act, the Secretary  
3       shall complete a survey of the lands described in this  
4       subsection to determine the precise boundaries and  
5       acreage of the lands subject to the Federal rever-  
6       sionary interest.

7           (3) APPRAISAL.—Not later than 180 days after  
8       the date of enactment of this Act, the Secretary  
9       shall complete an appraisal of the Federal rever-  
10      sionary interest in the lands identified by the survey  
11      required by paragraph (2). The appraisal shall be  
12      completed in accordance with the Uniform Appraisal  
13      Standards for Federal Land Acquisitions and the  
14      Uniform Standards of Professional Appraisal Prac-  
15      tice.

16          (4) CONSIDERATION.—As consideration for the  
17      conveyance of the Federal reversionary interest  
18      under this subsection, the District shall pay to the  
19      Secretary an amount equal to the appraised value of  
20      the Federal interest, as determined under paragraph  
21      (3). The consideration shall be paid not later than  
22      30 days after the date of the conveyance.

23          (5) COSTS OF CONVEYANCE.—As a condition of  
24      the conveyance under this subsection, all costs asso-  
25      ciated with the conveyance, including the cost of the

1 survey required by paragraph (2) and the appraisal  
2 required by paragraph (3), shall be paid by the Dis-  
3 trict.

4 **SEC. 5. GAMING PROHIBITION.**

5 The Tribe may not conduct gaming activities on lands  
6 taken into trust pursuant to this Act, either as a matter  
7 of claimed inherent authority, under the authority of any  
8 Federal law, including the Indian Gaming Regulatory Act  
9 (25 U.S.C. 2701 et seq.), or under regulations promul-  
10 gated by the Secretary or the National Indian Gaming  
11 Commission.

12 **SEC. 6. WATER RIGHTS.**

13 (a) IN GENERAL.—There shall be no Federal re-  
14 served right to surface water or groundwater for any land  
15 taken into trust by the United States for the benefit of  
16 the Tribe under this Act.

17 (b) STATE WATER RIGHTS.—The Tribe retains any  
18 right or claim to water under State law for any land taken  
19 into trust by the United States for the benefit of the Tribe  
20 under this Act.

21 (c) FORFEITURE OR ABANDONMENT.—Any water  
22 rights that are appurtenant to land taken into trust by  
23 the United States for the benefit of the Tribe under this  
24 Act may not be forfeited or abandoned.

1       (d) ADMINISTRATION.—Nothing in this Act affects or  
2 modifies any right of the Tribe or any obligation of the  
3 United States under Public Law 95–375.